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In re application of
Brian Maguire
Application No. 10/624,790
Filed: July 21, 2003
For: MUNITIONS MINES

: **DECISION ON PETITION**
: **TO MAKE SPECIAL**
: **(COUNTER TERRORISM)**
:

In response to applicant's inquiry regarding the Petition Decision mailed February 6, 2004, it was determined that the Petition Decision included inconsistencies and that clarification was in order. Therefore, the following response is set forth in order to clarify the position of the Office regarding the petition filed on July 31, 2003, and supersedes the previous Petition Decision.

This renewed decision is in response to the petition filed on July 31, 2003 to make the above-identified application special on the basis of inventions for countering terrorism as set forth in MPEP § 708.02 XI.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); and (B) a statement explaining how the invention contributes to countering terrorism.

Applicant states that the present invention contributes to countering terrorism by introducing antipersonnel munitions, in the form of what the enemy perceives to be "ordinary" munitions, into the enemies' supplies and supply chains to inflict casualties among enemy forces and to destroy these same supplies. This could be accomplished by removing the delay charges in these munitions and providing them with much more explosive materials such that when activated by the enemy, the munitions and the enemy are destroyed. This is not an acceptable explanation of how the invention would act to counter terrorism because it appears to work, in effect, as a form of "booby trap" in that it seems to hinge on the necessity of having an enemy come into contact with the munitions. While this may work in a battlefield situation or one where an enemy can be infiltrated it seems unlikely with an invisible terrorist threat. Further applicant's statements for special status are not what is claimed as the invention. What applicant has claimed appears to be an ordinary munitions type of device, such as a mine. MPEP § 708.02 XI lists examples of types of inventions that would qualify as countering terrorism. While a grantable petition is not limited to these examples, note that the examples all clearly act to counter terrorism and function primarily as defensive measures against terrorist threats.

Since all of the requirements for special status under MPEP § 708.02 XI have not been met, the petition is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above. Applicant should promptly submit a renewed petition to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

SUMMARY: Petition to Make Special **DISMISSED**.



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SNM/vdb 7/15/04